



ORDINANCE NO. 3329

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW THE ON-PREMISE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN A QUALIFYING RESTAURANT FOR AN APPROXIMATELY 2800 SQUARE FOOT PORTION OF JOSEY LANE RETAIL CENTER, AN ADDITION TO THE CITY OF FARMERS BRANCH (COMMONLY KNOWN AS 13920 JOSEY LANE, SUITE 100) LOCATED WITHIN THE PLANNED DEVELOPMENT NUMBER 3 (PD-3) ZONING DISTRICT; PROVIDING FOR THE APPROVAL OF THE SITE PLAN ATTACHED AS EXHIBIT "A"; PROVIDING FOR ADDITIONAL SPECIAL CONDITIONS; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. The Comprehensive Zoning Ordinance and zoning map of the City of Farmers Branch, Texas, be, and the same is hereby amended, so as to grant a change in zoning by granting a Specific Use Permit with special conditions for the on-premise sale and consumption of alcoholic beverages within a qualifying restaurant for an approximately 2800 square foot portion of the building depicted on Exhibit "A," attached hereto and incorporated herein by reference, said building being located in property described as Josey Lane Retail Center, an Addition to the City of Farmers Branch, Texas, according to the plat recorded at Volume 84145, Page 2030, Map Records, Dallas County, Texas, (more commonly known as 13920 Josey Lane, Suite 100)("the Property") which is located within the Planned Development Number 3 (PD-3) zoning district.

SECTION 2. If the Property is used and developed in accordance with the rights granted

pursuant to Section 1, above, the Property shall conform in operation, location and construction to the development standards specified within the Planned Development No. 3 (PD-3) zoning district as well as the following special conditions:

- A. The sale of alcoholic beverages shall at all times be in full compliance with all requirements of laws and regulations of the State of Texas and the City of Farmers Branch Comprehensive Zoning Ordinance, as amended, relative to such use;
- B. The rights granted pursuant to Section 1 of this Ordinance shall be limited to the portion of the building located on the Property depicted on Exhibit "A," attached hereto and incorporated herein by reference;
- C. The sales and service of alcoholic beverages on the Property shall at all times be in conformance with the Alcohol Awareness Program set forth in Exhibit "B," attached hereto and incorporated by reference; and
- D. No amplified live music shall be permitted on the exterior of the Property.

SECTION 3. The Property shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended and as amended herein.

SECTION 4. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Farmers Branch and the provisions of this Ordinance as applicable to the use and development of the Property, the provisions of this Ordinance shall be controlling.

SECTION 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

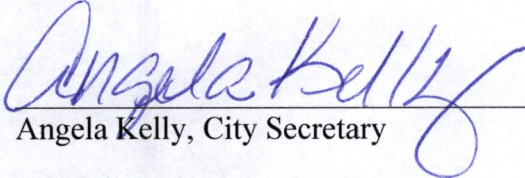
SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

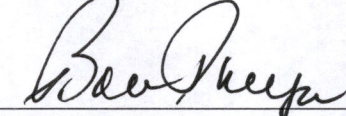
SECTION 8. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,
TEXAS, ON THIS THE 14th DAY OF JULY, 2015.**

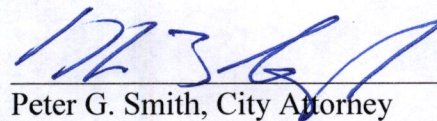
ATTEST:


Angela Kelly, City Secretary

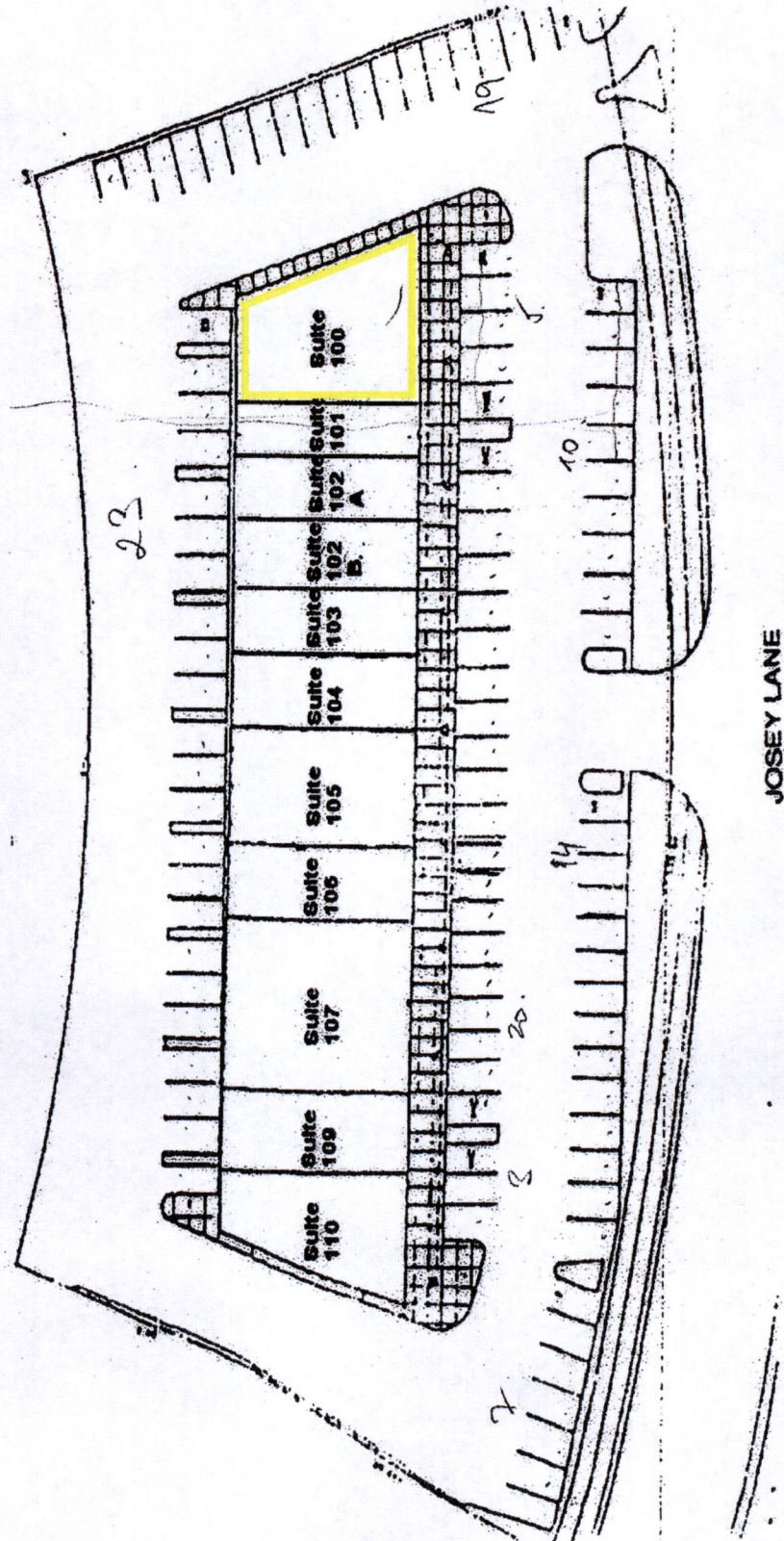
APPROVED:


Bob Phelps, Mayor

APPROVED AS TO FORM:


Peter G. Smith, City Attorney
(kbl:7/2/15:72345)

Ordinance No. 3329
Exhibit "A" – Depiction of Area of Building Affected



Ordinance No. 3329
Exhibit "B" - Alcohol Awareness Program

Michael's Grill Alcohol Awareness Program

Michael's Grill requirements for the sale of Alcoholic Beverages

1. Michael's Grill will abide by the Texas Alcoholic Beverage Code.
2. Michael's Grill will abide by the Texas Penal Code.
3. Any unlawful acts will be reported to the police.
4. Customers will provide a legal picture ID, of one of the following: Current Drivers License, Military ID, State ID or Passport.
5. All customers purchasing alcohol beverages must be at least 21 years of age.
6. All of Michael's Grill staff that directly or indirectly handles alcoholic beverages will be at least 21 years of age.
7. Servers will be required to take the TABC Seller Training Program.
8. Alcoholic beverages will only be served inside the restaurant, and must remain inside the restaurant.
9. Anyone that is, or is believed to be intoxicated will not be served alcohol.
10. Alcohol will not be served o anyone that is or is believed to be intoxicated.
11. Anyone that is, or is believed to be intoxicated will not be permitted to remain on the premises.
12. Michael's grill will call for a cab for anyone who is intoxicated.
13. Not alcoholic beverages will be sold before opening.
14. No alcoholic beverages will be sold after closing.
15. No fire arms will be permitted on the premises.
16. Michael's Grill will not hang exterior signs advertising the sale of alcohol.
17. Michael's Grill's gross sale of food shall be at least 60% of the gross sales for each quarterly reporting period.
18. Michael's Grill shall maintain and keep records necessary to demonstrate compliance with the minimum 60% food and non-alcoholic beverage sales of the restaurant's total gross sales.